

**Remarks**

**Specification.** The specification has been objected to for inappropriate use of trademarks, and particularly for the terms JAVA, Ethernet, and Intel. The Applicants appreciate the Examiner's information regarding these trademarks. However, the Applicants note that the term "ethernet", while once a registered trademark to Xerox, was cancelled in 1988, as shown in the attached copy of the status of the Ethernet registered trademark obtained from the USPTO TEAS database. Applicants note that the mark was cancelled more than five years after the registration in 1981. Marks can only be cancelled after five years of registration under limited circumstances, most commonly because the mark has become "generic", e.g. the common name for a specific item. The applicants submit, therefore, that the term "Ethernet" is no longer a trademark of Xerox, and the applicants respectfully request that the objection to the specification on these grounds be withdrawn.

With respect to JAVA, the term has already been marked as a trademark with a superscript "TM" in the specification and in claim 8. The Applicants have searched for a generic description of JAVA, and although JAVA is available from many sources (Symantec, Borland, and Hewlett Packard to name three), the term JAVA was specifically used to refer to the product in all cases, and no generic description was found. Furthermore, a search in the USPTO database illustrates that the only registered JAVA trademarks are not for programming languages or software, but for "computer hardware" and "vehicles, namely automobiles". All attempts by Sun to register the trademark JAVA for software have been abandoned, also as noted on the attached documents, likely also because the term is considered generic by the PTO. The

Applicants therefore submit that there is no generic equivalent to the term "JAVA", and

respectfully request that the requirement to include a generic name for JAVA be withdrawn, or, in the alternative, that a generic equivalent be suggested.

With respect to Intel, the Applicants note that the only use of the term Intel is to refer to a microprocessor produced by the company, Intel. The use here is trade name use, referring to the company, and not trademark use. Furthermore, as the reference is to the company and not to a product named "Intel", there is no generic equivalent. The Applicants therefore respectfully request that any objection to the use of the term Intel be withdrawn.

#### **Claim Rejections.**

##### **Section 112**

Claim 13 has been rejected as lacking antecedent basis for the term "pulse sequence server". In response, claim 13 has been amended. In view of the amendment, the Applicants respectfully request that the rejection of claim 13 be withdrawn.

##### **Section 103**

Claims 2, 5, 7, and 12 have been rejected under 35 U.S.C. Section 103(a) as unpatentable over US patent number 5,850,548 to Williams in view of U.S. Patent Number 6,718,533 to Schneider. Reconsideration of these claims in view of the following remarks is respectfully requested.

Claim 1 recites an application development system for a medical imaging system which includes a graphic building area. The development system includes a component for serializing and downloading an executable application segment to modify the executable program. During the scanning process, therefore, the links between components can be selectively modified, serialized and downloaded to the medical

imaging system in real time to modify operation of the medical imaging system without the need to download an entire image processing application.

Williams discloses a computer system having a Visual Development Environment (VDE). The system described is not for implementation with real time systems, but for development of programs.

Schneider discloses a method for developing and operating a real-time application on a development station 60 using a visual development tool. The application is compiled and downloaded to a real-time computer 64 for execution. The real-time computer then controls electromechanical hardware, and includes a data flow run-time engine that is responsible for executing each data flow component at the proper time and in proper order so as to produce the correct data flow through the system.

Referring specifically to Fig. 18, and also to column 31, lines 49 – 65, and column 35, lines 54 – 65, the process for producing components, downloading the components to a real-time computer, and executing a program at the real time computer are shown. The components are created and compiled on a development station 60, along with a system diagram of the full system. The components, including state machines, cogs, and diagram files are each downloaded to a real time computer, and are then linked together based on the system diagram. Execution begins after the linking phase. Schneider, therefore, provides a system in which all components are downloaded and then linked using a diagram of the full system. Schneider does not disclose serializing and downloading an executable application segment to the medical imaging system to modify the executable application in real time. Schneider, rather, suggests that the entire set of components and a map of the entire system be downloaded, and then linked, before execution can begin.

Neither of the cited references therefore teach or suggest a development system for a medical imaging system in which segments of code can be selectively modified and downloaded for execution in real time, and the Applicants respectfully request that the rejection of claim 1 and associated dependent claims be withdrawn.


Claim 13 recites a magnetic resonance imaging system including a workstation having a graphical application development system for graphically assembling object-oriented components. Responsive to directions from a user entered through an input device, the components are selectively graphically linked into application programs. The links can be selectively modified during real time operation to provide modified application program segments and the modified program segments can be downloaded to the application server to modify operation of the medical imaging system in real time.

Again, none of the cited references disclose a medical imaging system in which selected segments of an application program can be changed in real time, and downloaded to revise the application in real time. The Applicants therefore respectfully request that the rejection of claims 1, 2, 5, 7 – 13, 15, 16 and 21 – 25 be withdrawn.

No fees are believed necessary. However, if any further fees are required please charge it to Deposit Account 17-0055.

Respectfully submitted,

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<b>Word Mark</b>	ETHERNET
<b>Goods and Services</b>	(CANCELLED) IC 009. US 021. G & S: Electronic Communications Networks, Transmitters, Receivers, Cables and Controllers. FIRST USE: 19791120. FIRST USE IN COMMERCE: 19791120
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73243364
<b>Filing Date</b>	December 17, 1979
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 23, 1981
<b>Registration Number</b>	1169059
<b>Registration Date</b>	September 15, 1981
<b>Owner</b>	(REGISTRANT) Xerox Corporation CORPORATION NEW YORK Stamford CONNECTICUT 06904
<b>Attorney of Record</b>	Charles M. Bredehoft
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	DEAD
<b>Cancellation Date</b>	March 25, 1988

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**Design Search Code** 011505 110303 260303 261709 261710

**Serial Number** 76495913

**Filing Date** March 10, 2003

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054

**Attorney of Record** Sally M. Abel

**Type of Mark** TRADEMARK. SERVICE MARK

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**Serial Number** 76495914

**Filing Date** March 10, 2003

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**Original Filing Basis** 1B

**Owner** (APPLICANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054

**Attorney of Record** Sally M. Abel

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**Design Search Code** 011505 110303 260303 261709

**Serial Number** 76495912

**Filing Date** March 10, 2003

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054

**Attorney of Record** Sally M. Abel

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**Register** PRINCIPAL

**Live/Dead Indicator** DEAD

**Abandonment Date** March 10, 2004

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**Design Search Code** 110303 260126 261709

**Serial Number** 76495911

**Filing Date** March 10, 2003

**Current Filing Basis** 1B

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**Owner** (APPLICANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054

**Attorney of Record** Sally M. Abel

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## Typed Drawing

Word Mark	JAVA
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer hardware, namely computers, hand-held computers, monitors, servers, mouse pads, printers and printer peripherals, printed circuit boards containing electrical components and sockets; digital cameras; personal digital assistants; smart cards; smart card readers; telephones; wireless data communications hardware. FIRST USE: 19970402. FIRST USE IN COMMERCE: 19970506
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76128471
Filing Date	September 13, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 7, 2001
Registration Number	2921013
Registration Date	January 25, 2005
Owner	(REGISTRANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054
Attorney of Record	Sally M. Abel
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	

Indicator LIVE

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## Typed Drawing

Word Mark	JAVA
Goods and Services	IC 012. US 019 021 023 031 035 044. G & S: vehicles, namely, automobiles. FIRST USE: 20031203. FIRST USE IN COMMERCE: 20031203
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75774508
Filing Date	August 12, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 14, 2001
Registration Number	2951918
Registration Date	May 17, 2005
Owner	(REGISTRANT) Sun Microsystems, Inc. CORPORATION DELAWARE 4150 Network Circle Santa Clara CALIFORNIA 95054
Attorney of Record	SALLY M ABEL
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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